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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**
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13 FELIPE GARCIA-MORALES,
14 Defendant-Petitioner,
15 v.
16 UNITED STATES OF AMERICA,
17 Respondent.
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CASE NO. 12-CV-1951 W
12-CR-1024 W

**ORDER DENYING
PETITION FOR WRIT OF
HABEAS CORPUS [DOC. 27]**

19 Pending before the Court is Petitioner Felipe Garcia-Morales's Motion for Time
20 Reduction by an Inmate in Federal Custody Under 28 U.S.C. § 2255 (the "Petition"
21 [Doc. 27]). Petitioner is proceeding pro se. Respondent United States of America
22 ("Respondent") opposes. Petitioner did not file a response.

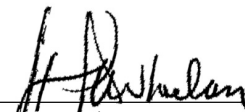
23 The Court has reviewed the Petition and Respondent's Opposition, as well as the
24 relevant records on the docket. The record establishes that on April 16, 2012,
25 Petitioner entered into a fast-track Plea Agreement, and waived both his right to appeal
26 and collaterally attack his conviction and sentence. (*Plea Agreement* [Doc. 13]¶ XI.)
27 The Petition does not raise any challenge to the validity of that waiver. Additionally,
28 having reviewed the Plea Agreement, the Court finds that Petitioner knowingly and

1 voluntarily waived his right to appeal and collaterally attack his sentence. This Court,
2 therefore, lacks jurisdiction to consider any collateral challenge to his conviction and
3 sentence. See Washington v. Lampert, 422 F.3d 864 F.3d 864, 869–70 (9th Cir. 2005)
4 (recognizing that if sentencing stipulation’s waiver of the right to file a federal habeas
5 petition was valid, district court lacked jurisdiction to hear the case).

6 Accordingly, the Court **DENIES** the Petition [Doc. 27].

7 **IT IS SO ORDERED.**

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9 **DATED: April 11, 2013**

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12 Hon. Thomas J. Whelan
13 United States District Judge
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